

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frederick L. Bixler et al. Confirmation No. 5482
Serial No.: 10/752,074 Examiner: Hylton, Robin Annette
Filed: January 5, 2004 Art Unit: 3781
For: Tamper Indicating Closure With Foldable Tab

Petition Under 37 CFR 1.48(a) to Correct Inventorship

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

| |
|---|
| Barnes & Thornburg Customer No: 23643 U.S. Patent and Trademark Office |
|---|

Sir:

Please correct the inventorship in the present application by adding David F. Krueger.

In accordance with 37 CFR 1.48(a):

1. A statement that the error in not naming David F. Krueger was made without deceptive intent by David F. Krueger accompanies this petition.
2. A declaration by two of the four joint inventors accompanies this petition. The other two inventors cannot be located and a petition under 37 CFR 1.47(a) requesting waiver of the signatures of the other two inventors (Messrs. Coners and Rochow) is submitted herewith.
3. The written consent of the assignee accompanies this petition.
4. Please charge the \$130.00 fee under 37 CFR 1.17(i) and any additional fees for this petition and correction of the application to the deposit account of Barnes & Thornburg 10-0435 (5723-200255).

Respectfully submitted,
BARNES & THORNBURG LLP



Richard B. Lazarus
Reg. No. 48,215
Tel. No. (202) 371-6348

STATEMENT BY DAVID F. KRUEGER

I, David F. Krueger, hereby state that the error in not including me as a joint inventor in U.S. Application No. 10/752,074 filed September 1, 2005 was made without deceptive intent on my part.

4-18-07
Date

David F. Krueger
Signature of Inventor David F. Krueger

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare: that my citizenship, residence and post office address are as stated below; that I verily believe I am the original, first and sole inventor (if only one is named below) or a joint inventor (if plural inventors are named below) of the invention entitled:

TAMPER INDICATING CLOSURE WITH FOLDABLE TAB

the specification of which is accorded U.S. Application No. 10/752,074 filed September 1, 2005.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any U.S. provisional or foreign application(s) for patent or inventor's certificate listed below and have also identified below any U.S. provisional or foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Provisional/Foreign Application(s): | | | Priority Claimed |
|---|-----------|------------------|------------------|
| (Number) | (Country) | (Day/Month/Year) | Yes/No |

I hereby appoint as principal attorneys all practitioners associated with **Customer No. 23643** to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications.

Please direct all communications to the following address:

CUSTOMER NO. 23643

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INVENTOR: Bixler, Frederick L.
Citizenship: US
Post Office Address/ 611 Gring Hill Road
Residence: Sinking Spring, PA 19608

Date Signature of Inventor

INVENTOR: Coners, Doug
Citizenship: US
Post Office Address/ 3580 Cemetary Road
Residence: Scottsville, KY 42164

Date Signature of Inventor

INVENTOR: Rochow, Don
Citizenship: US
Post Office Address/ 252 Aldridge Court
Residence: Reading, PA 19606

Date Signature of Inventor

INVENTOR: Krueger, David F.
Citizenship: US
Post Office Address/ 445 Lombardy Road
Residence: Drexel Hill, PA 19026

4-18-07 David F. Krueger
Date Signature of Inventor

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare: that my citizenship, residence and post office address are as stated below; that I verily believe I am the original, first and sole inventor (if only one is named below) or a joint inventor (if plural inventors are named below) of the invention entitled:

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INVENTOR:

Citizenship:

Post Office Address/

Residence:

Feb. 26, 2007
Date

Bixler, Frederick L.

US

611 Gring Hill Road

Sinking Spring, PA 19608

Frederick L. Bixler
Signature of Inventor

INVENTOR:

Citizenship:

Post Office Address/

Residence:

Date

Coners, Doug

US

3580 Cemetary Road

Scottsville, KY 42164

Signature of Inventor

INVENTOR:

Citizenship:

Post Office Address/

Residence:

Date

Rochow, Don

US

252 Aldridge Court

Reading, PA 19606

Signature of Inventor

INVENTOR:

Citizenship:

Post Office Address/

Residence:

Date

Krueger, David F.

US

Lancaster, PA

Signature of Inventor

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**CONSENT OF ASSIGNEE TO ADD DAVID F. KRUEGER AS
CO-INVENTOR OF U.S. PATENT APPLICATION NO. 10/752,074 Filed September 1, 2005**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The undersigned, having authority to act for BERRY PLASTICS CORPORATION does declare that BERRY PLASTICS CORPORATION has made an investigation into and believes itself to be owner of U.S. Patent Application No. 10/752,074, as evidenced by its recorded ownership at the U.S. Patent and Trademark Office at Reel 016208, Frame 0778 on May 9, 2005, Reel 016164, Frame 0188 on June 17, 2005, Reel 017853, Frame 0072 on June 27, 2006. BERRY PLASTICS CORPORATION does hereby consent to the adding of David F. Krueger as co-inventor.



Jeffrey D. Thompson
Vice President
Berry Plastics Corporation

Date: April 18, 2007